

CUSTOMER NO.: 24498  
Ser. No.09/807,697  
Office Action dated: June 15, 2005  
Response dated: December 15, 2005

PATENT  
PF980072

### Remarks/Arguments

Claims 1-12 are pending. Claims 1, 7, 11 and 12 have been amended to more clearly and distinctly claim the subject matter that applicants regard as their invention. No new matter is believed to be added by the present amendment.

### **Claim Objections**

Responsive to the objection to claims 7 and 10, claim 7 has been amended to recite "... copying digital data onto a medium..." and claim 10 has been rewritten in independent form. Applicants submit that the objection to the claims is overcome in view of the above.

### **Rejection of claims 1-12 under 35 USC 102(e) as being anticipated by Akiyama et al (US Pat. No. 5805699)**

Applicants submit for the reasons discussed below that present claims 1-12 are not anticipated by Akiyama.

Present claim 1 recites "... **formatting the digital data** from said source of digital data **using a function based on at least a serial number contained in said medium**, to thereby prevent bit by bit duplication of the digital data onto another medium; and **recording said formatted data** onto said medium. (emphasis added)" Present claim 7 similarly recites "... **formatting the digital data read with the aid of the serial number**, to thereby prevent bit by bit duplication of the digital data onto another medium; and **recording on said medium the formatted digital data**. (emphasis added)" The claims have additionally been amended to recite that the digital data is representative of audio and/or video content. Claim 11 similarly recites the formatting limitation in apparatus form, and claim 12 similarly recites the formatting limitation in the context of a recording medium having the formatted data recorded thereon. Applicants submit that nowhere does Akiyama disclose or suggest the above-mentioned limitations of the present claims.

In contrast, in Akiyama, discloses a system that generates first and second signatures based on **identifiers** associated with the content and the target storage medium, and then uses the signatures **to authorize**, or prevent, copying of the content from a master storage medium to the target storage medium. Akiyama does not disclose or suggest **formatting the digital data, i.e., the software content, based on the identifier of the target storage medium**, and does not disclose or suggest storing the formatted content on the target storage medium.

Specifically, Akiyama discloses that a first signature (also referred to as "first certificate code") is generated (at a central site 5) based on the contents identifier (first identifier) of the software product to be copied and on the target storage medium identifier (second identifier). This first signature is written into the target storage medium (see col 2, lines 8-21 and lines 39-54). A second signature is generated at the user's site based on the content identifier read out from the master storage medium and on the storage medium identifier read out from the target storage medium (see col. 2, lines 21-26 and lines 57-61). The first signature stored on the target storage medium is then compared to the second signature calculated locally to authorize, or prevent, the copying of the software product data from the master storage medium to the target storage medium.

Nowhere does Akiyama disclose or suggest **formatting the software data using a function based on the target storage medium identifier, and recording the formatted data** onto the target storage medium. According to Akiyama, the data (software product) that are recorded onto the target storage medium are identical to those contained in the master storage medium. Even if the software product is stored in encrypted form in the master storage medium and is copied, in this encrypted form, into the target storage medium (see col. 4, lines 34-39), the encryption of the data is not performed with a key dependent on the target storage medium identifier but with a fixed key Kd (see col. 6, line 63 to col. 7, line 3).

The portions of Akiyama cited in the Office Action merely mention that the second identifier is uniquely associated with, and stored on, the target storage medium (col. 3, lines 47-50), and that the data copying means 9 writes the

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software product from the master storage medium onto the target storage medium when the first and second signatures are identical (col. 3, line 65 - col. 4, line 3). Nowhere do the cited portions mention or suggest the recited formatting and recording steps as discussed above.

In view of the above, applicants submit that Akiyama fails to disclose or suggest notable feature of present claim 1, and as such, present claim 1, and claims 2-6, which depend therefrom, are not anticipated by Akiyama. Claims 7, 11 and 12 also similarly recite this formatting, and as such claims 7, 11 and 12, and claims that depend therefrom, are also believed to be not anticipated by Akiyama for at least the same reason as those discussed above.

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at (609) 734-6815, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,

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#### CERTIFICATE OF MAILING

I hereby certify that this amendment is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on

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Patricia M. Fedorowycz